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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 MIKE FURSMAN; STEVE SACKS, in their ) No. 09-CV-04616-SI  
capacities as Trustees of the NORTHERN )  
16 CALIFORNIA UFCW WHOLESALE )  
HEALTH & WELFARE FUND, )  
17 Plaintiffs, ) **STIPULATION AND [PROPOSED]**  
v. ) **ORDER CONTINUING INITIAL**  
18 JOHN MORRELL & CO. doing business as ) **CASE MANAGEMENT**  
MOHAWK PACKING COMPANY and/or ) **CONFERENCE AND RELATED**  
MOHAWK MEAT COMPANY, ) **DEADLINES**  
21 ) **[L.R. 3-12(a)]**  
22 ) Judge: Susan Illston  
Defendant. ) Courtroom: 10, 19th Floor  
23 )

24 Plaintiffs Mike Fursman, Steve Sacks, in their capacities as Trustees of the Northern  
25 California UFCW Wholesale Health & Welfare Fund (“Plaintiffs”), and Defendant John Morrell &  
26 Co., doing business as Mohawk Packing Company and/or Mohawk Meat Company (“Defendant”),  
27 through their respective counsel, hereby stipulate to and request that the Court order that the Initial  
Case Management Conference and related deadlines be continued for a period of 120 days.

1       1. Pursuant to the Court's Order Setting Initial Case Management Conference and  
2 ADR Deadlines, the Initial Case Management Conference in this action is set for January 15, 2010  
3 at 2:30 p.m. Other case management deadlines, including the filing of the ADR Certification,  
4 completion of initial disclosures, and filing of the Case Management Statement, precede and are set  
5 in relation to the Case Management Conference.

6       2. On November 5, 2009, the parties met to discuss the outstanding issues and agreed  
7 to a process to explore a possible resolution of this action without the necessity of further litigation,  
8 time and expense. This case involves two payroll compliance testing audits. To that end, the  
9 parties intend to exchange information and need additional time to gather information as well as  
10 review said information. This case involves two payroll compliance audits covering several years.  
11 The parties currently anticipate that a short extension of case management deadlines will enable  
12 them to focus their efforts on resolving this matter.

13       3. There have been no previous time modifications related to the Initial Case  
14 Management Conference or related case management activities in this case.

15       4. The parties expect that the requested extension of the date for the Initial Case  
16 Management Conference will have no adverse effect on the schedule for the case. No trial date or  
17 other deadlines have yet been set. The requested extension may facilitate the resolution of the  
18 parties' dispute, and will at a minimum enable the parties to exchange information about their  
19 respective positions that may streamline case management.

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Therefore, Plaintiffs and Defendant, through their respective counsel, stipulate and agree as follows:

1. The Initial Case Management Conference date of January 15, 2010 at 2:30 p.m. and related deadlines are vacated.

2. The Initial Case Management Conference date is extended to May 7, 2010 at 2:30 p.m.. Related deadlines for ADR and case management activities are extended accordingly, as provided in the Court's Order Setting Initial Case Management Conference and ADR Deadlines.

Dated: December 21, 2009

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: /s/ Linda Baldwin Jones  
LINDA BALDWIN JONES  
Attorneys for Plaintiffs

Dated: December \_\_\_\_ , 2009

BALLARD, ROSENBERG, GOLPER & SAVITT, LLP

By: /s/ Katherine A. Hren  
KATHERINE A. HREN  
Attorneys for Defendant

## [PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

Susan Illston  
THE HONORABLE SUSAN ILLSTON

120526/554463

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